

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

MICHAEL CEHOUSKY,

Petitioner,

v.

CIVIL ACTION NO. 5:07-cv-00468

WARDEN T. R. CRAIG,

Respondent.

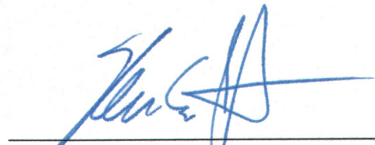
**JUDGMENT ORDER**

By Standing Order entered on August 1, 2006, and filed in this case on August 1, 2007, this action was referred to United States Magistrate Judge Mary E. Stanley for submission of proposed findings and a recommendation [PF&R]. Magistrate Judge Stanley filed her PF&R on December 5, 2007 [Docket 5]. In that filing, the magistrate judge recommended that this Court find that Petitioner has failed to prosecute this action and to dismiss the case.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Here, objections to Magistrate Judge Stanley's PF&R were due by December 21, 2007, pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). Petitioner has failed to object to the PF&R.

Having reviewed the Proposed Findings and Recommendation filed by Magistrate Judge VanDervort, the Court adopts the findings and recommendations contained therein. Accordingly, the Court hereby **FINDS** that Petitioner has failed to prosecute this action and, accordingly, **DISMISSES** the case. The Clerk is directed to **REMOVE** this action from the Court's docket. The Clerk is further directed to mail a certified copy of this Judgment Order to all counsel of record, Petitioner, *pro se*, and a copy to Magistrate Judge Stanley.

ENTER: January 14, 2008

A handwritten signature in blue ink, appearing to read 'Thomas E. Johnston', is written over a horizontal line.

THOMAS E. JOHNSTON  
UNITED STATES DISTRICT JUDGE